IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 21388 of 2004

Between:

Mudili Kamala, W/o.Venkateswara Rao,
R/o.Prakashnagar, Krishnanagar Village,
Tadepalli Mandal, Guntur District.

..... PETITIONER

AND

1 The State of A.P.rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2 The Superintendent of police, Guntur District.
3 The Sub-Inspector of police, Tadepalli police station, Tadepalli, Guntur District.
4 Devineni Venkateswara Rao, S/o.Ankaiah,
R/o.Prakashnagar, Krishna Nagar Village of Tadepalli Mandal,
Guntur District.
5 Devineni Padma, W/o.Venkateswara Rao,
R/o.Prakashnagar, Krishna Nagar Village of Tadepalli Mandal,
Guntur District.
6 Mudili Ratnakumari, W/o.Nageswara Rao,
R/o.Prakashnagar, Krishna Nagar Village of Tadepalli Mandal,
Guntur District.
7 Mudili Ratnakumari, W/o.Nageswara Rao,
R/o.Prakashnagar, Krishna Nagar Village of Tadepalli Mandal,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas Corpus, directing the respondents to produce my husband by name Venkateswara Rao, before this Hon'ble High Court, after declaring that his detention by the respondents is illegal.

Counsel for the Petitioner: MR.CHALLA SRINIVASA REDDY

Counsel for the Respondent Nos.1 to 3: THE ADVOCATE GENERAL

Counsel for the Respondent Nos. 4 to 7: -- N.P.--

The Court, at the stage of admission, made the following:

ORAL ORDER: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Earlier two writ petitions viz., W.P.No. 5316 of 2004 and W.P.No. 11925 of 2004 have been filed against the respondents alleging that the detenue is in their custody.

In W.P.No. 5316 of 2004, it was stated by the respondents that on a complaint with regard to missing of the detenue, Crime No. 25 of 2004 has been registered and steps are being taken to proceed in the matter. Recording the same, the said writ petition was dismissed. Thereafter, another writ petition- W.P.No. 11295 of 2004 was filed, which was dismissed on suppression of material fact. In view of the same, this writ petition is not maintainable, which is accordingly dismissed. No costs.

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BILAL NAZKI, J

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CH.S.R.K. PRASAD, J

Dt. 06-12-2004

Pvks/*

To

1. The Principal Secretary, Home Department, The State of A.P., Secretariat, Hyderabad.
2 The Superintendent of Police, Guntur District.
3 The Sub-Inspector of police, Tadepalli police station, Tadepalli, Guntur District.

4.2CCs to the Advocate General, High Court of A.P., Hyderabad (OUT).

5.2CD copies